

DECLARATION OF JON NICOLINI

I, Jon Nicolini, declare as follows:

1. I am over 18 years old and not a party to this action. I am the principal and founder of Okularity, Inc., a technology company that assists content owners in mitigating online infringement by identifying unauthorized uses and issuing notification letters to infringers in an effort to get the content taken down and to find a resolution.

2. The plaintiff in this action, Xposure Photo Agency Inc., is one of several photo agencies for which Okularity provides copyright mitigation services.

3. In or around January 2021, I discovered the infringement previously located at <http://www.instagram.com/p/CGHvKVwBiP6>, which contains three photographic images of musical artist Chris Brown. I took a screenshot of the Instagram post at that URL above, a copy of which is attached as Exhibit 1. As shown in the screenshot, the Instagram account that posted the three photographs was @chrisbrownofficial. The screenshot also shows that the three photographs were posted on October 9, 2020, and had received over 419,000 likes by the time I took the screenshot in early January 2021. Currently, the @chrisbrownofficial Instagram account has 145 million followers.

4. As part of the services I provide to Xposure, I obtained a copyright registration for the set of photographs that included the three that are the subject of this action. A copy of that registration certificate is attached as Exhibit 2. As shown on the copyright registration certificate, the photographs were registered within 90 days of first publication of the photographs.

5. I am generally familiar with Xposure's licensing practices and have access to the licensing details and history for all of Xposure's library of images. Xposure's celebrity content is licensed for a wide range of fees, which varies depending on various factors such as the nature of the content, the geographic location and reach of the licensee, and any exclusivity terms. Xposure frequently

1 obtains fees of thousands of dollars for a la carte (non-subscription) licenses to its
2 customers. There are license fees in the tens of thousands, and I have seen some in
3 the six figures, including as high as \$180,000.

4 I declare under penalty of perjury that the facts stated herein are true and
5 correct. Executed this 4th day of September, 2024.

6
7 
8 Jon Nicolini
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28